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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,900	08/18/2006	Eric Tarrerias	15472NP	2469
293 7590 01/25/2010 DOWELL & DOWELL P.C. 103 Oronoco St. Suite 220 Alexandria, VA 22314				
EXAMINER				
PATEL, BHARAT C				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
01/25/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/589,900

**Applicant(s)**

TARRERIAS, ERIC

**Examiner**

BHARAT C. PATEL

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4, 5, 7 and 10-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 2, 4, 5, 7 and 10-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/09 has been entered.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities: The Abstract contains more than 150 words.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-5, 7, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Droese 6,612,204.

Re claims 1, 10 and 12, Droese discloses a blade for a cutting tool and a method of fabricating a blade for a cutting tool, in particular for a knife, the blade being made of steel or an alloy of stainless steels and having at least one cutting edge extending over at least a portion of a periphery thereof per Fig. 1, per col. 5, lines 20-26, the method comprising the following steps:

a) making a blade body possessing at least three free edges provided in a vicinity of the at least one cutting edge 6 per Figs. 1-8;

b) projecting a make-up material at 7 in the form of a powder onto one of the at least three free edges per col. 3, lines 62-67 and col. 4, lines 1-5, the hardness of the make-up material being greater than the hardness of the blade body per col. 3, lines 46-61;

c) subjecting the make-up material powder to a laser beam at the same time as projecting the make-up material powder so as to form a bead or strip on at least a portion of one of the at least three free edges so that the bead or strip form instantaneously, an intimate bond with the blade body per col. 3, lines 62-67 and col. 4, lines 1-5;

d) after said intimate bond is formed, performing a hardening and tempering operation on the blade body and the bead or strip; wherein said blade body is fitted with the bead or strip of the make-up material per col. 4, lines 6-17; and

e) forming the cutting edge in the bead or strip of make-up material so as to form a sharp edge per col. 4, lines 25-33.

Re claim 2, Droese discloses that one of the at least three free edges the at least one free edge is formed by a flat extending perpendicularly to a main plane of the blade body per Figs. 1-10.

Re claim 4, Droese discloses that the blade body 1 presents dimensions that are slightly smaller than those of the final blade 5 per Figs. 1-8.

Re claim 5, Droese discloses that the at least one cutting edge is made by grinding, machining, or abrading at least the bead or the strip of make-up material per col. 4, lines 35-33.

Re claim 7, Droese discloses that the blade body 1 is machined or ground before the step of forming the bead of make-up material. The blade body is formed per Fig. 1 (and thus machined of some sort) prior to receiving the added cutting material.

Re claim 11, Droese discloses that the blade wherein the at least one cutting edge and the blade body are made of at least two different materials. Examiner notes that the blade body of Droese is made of a form of steel and the cutting edge is made up of a secondary metal with hard particles (see column 3 lines 34-53).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 5, 10 and 12 have been considered but are moot in view of the new ground(s) of rejection under 35 U.S.C. 102(b) as being anticipated by Droese 6,612,204.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knudsen (5724868), and Korb (2003/0019332) teach machined blade body for receiving added cutting material.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/  
Examiner, Art Unit 3724  
January 5, 2010.

/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724